

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

**WRIT PETITION NO. 521 OF 1997**

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's orders

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CORAM : B.P. DHARMADHIKARI, J.  
NOVEMBER 15, 2006.

Heard Shri Jibhkate, learned counsel for the petitioner and Shri Adgokar, AGP for respondent No.1. Nobody appears for respondents No. 2 & 3, though they are served.

It appears that by order dated 20.1.1997, the petitioner was directed to be absorbed in other School as he was found to be surplus. This Court has issued notice and granted interim stay. On 16.7.1998, the Deputy Education Officer has filed affidavit stating that the petitioner is working in his old school and his salary is being released regularly from the said school and therefore challenge in the petition is rendered infructuous.

Shri Jibhkate, learned counsel states

that in view of this reply, the petition needs to be allowed because the Deputy Education Officer has continued the petitioner in the very same school.

Shri Adgokar, learned AGP states that the Deputy Education Officer has earlier in same paragraph also stated that he has directed Respondent No.3 – Head Master to implement the orders of this Court by his letter dated 12.5.1997. From the affidavit mentioned above and also in reply to prayer clause where Deputy Education Officer has specifically stated that writ petition has become infructuous, I find that Respondent No.1 has continued the petitioner in the old school.

In view of this position, the challenge in the present writ petition filed by the petitioner is rendered infructuous. Writ Petition is accordingly disposed of. Rule discharged. No order as to costs.

**JUDGE**